

**Logan County Commissioners Work Session
December 5, 2017**

Present: Byron Pelton, Joe McBride, Dave Donaldson, Alan Samber, Jennifer Crow, Shannon Graves, Victor Newman, Michelle Hoff, Marilee Johnson, Rob Quint, Patty Bartlett, Paul Scharfenberger, Brad McCloud, Tom Westfall, Trae Miller, Danielle Hannes, Greg Stelmach and Lisa Young.

Chairman Pelton called the meeting to order at 8:30 a.m.

REVIEW OF BUSINESS MEETING AGENDA - The Board reviewed the Business Meeting Agenda for the December 5, 2017 meeting.

The meeting recessed at 8:47 a.m. and reconvened at 9:30 a.m.

REVIEW LOGAN COUNTY SCHEDULE OF BILLS - Victor Newman met with the Board to review the Logan County schedule of bills dated December 5, 2017. The Board approved all bills as presented.

DEPARTMENT OF HUMAN SERVICES (DHS) PAYROLL REVIEW - Shannon Graves met with the Board to review the DHS payroll for the period November 11, 2017 through November 24, 2017. The Board reviewed various payroll reports. The payroll was approved as presented.

REVIEW DEPARTMENT OF HUMAN SERVICES (DHS) SCHEDULE OF BILLS - Shannon Graves met with the Board to review the DHS schedule of bills dated December 5, 2017. The Board approved all bills as presented.

LOGAN COUNTY PAYROLL REVIEW - Michelle Hoff met with the Board to review the Logan County payroll for the period November 13, 2017 through November 26, 2017. The Board reviewed various payroll reports. The payroll was approved as presented.

NECTA FUEL - NECTA representatives requested permission to purchase NECTA's fuel for three-five days from the Logan County Road and Bridge fuel facility. The Board approved NECTA's purchase of fuel from the county. NECTA does not pay taxes on the fuel they purchase. The vehicles would need to be entered into the county's system. One account with the key fobs for each bus would work.

APPROVAL OF MINUTES FROM PREVIOUS SESSIONS - Commissioner McBride moved to approve the minutes of November 21, 2017 work session as written. Commissioner Donaldson seconded and the motion carried.

NEW SHERIFF CARS - Sheriff Powell has asked if he can order cars for next year so that the cars can be delivered in March instead of June. It was noted that a van budgeted in 2018 has also been purchased. Commissioner Pelton stated that Debbie Unrein said there was no issue whether it was purchased now or at beginning of the year. The lease payment would not be paid until after January 1, 2018.

C-PACE PRESENTATION - Paul Scharfenberger met with the Board on behalf of the

Colorado Energy Office to present C-PACE which stands for Commercial Property Assessed Clean Energy. The program enables owners of eligible commercial properties to finance up to 100% of energy efficiency renewable energy and water conservation eligible improvements. Financing is provided by private capital providers at competitive rates with repayment terms up to 20 year. C-PACE financing repayment is through a voluntary county property tax assessment placed on the property owner's tax bill. The assessment is repaid over the 20 year financing term. The energy cost savings will usually exceed the annual assessment payment. Commercial is broadly defined in the state statues and does include Agricultural. The County has to levy the taxes which involves the county assessor. The program requires mortgage holder consent. A resolution is required for the county to join the statewide district.

If a property is sold, the lien goes with the property. If taxes are not paid, it will go to the tax lien sale. If the tax lien does not sell, the county is not responsible for the debt. The county is not liable for any of the financial mechanics of the program.

By joining the district the county commits the collect the assessments and remitting them back to the district. In return, the county gets a 1% fee on every assessment collected.

Water conservation costs rising dramatically in the state. The program can help finance center pivot irrigation systems. C.R.S 32-20-101 through 109 addresses the program.

Member counties outside of the I-25 corridor include Delta, Montezuma, Montrose, Pitkin, Eagle, Gunnison, and Routt. Summit County has approved it verbally. Larimer County has indicated that they will be joining soon. Weld County is the most recent county to join the district. Arapahoe, and Adams Counties are also members.

LOGAN COUNTY WATER CONSERVANCY DISTRICT (LCWCD) - Brad McCloud, of EIS Solutions Tom Westfall, and Danielle Hannes met with the Board concerning the Logan County Water Conservancy District. Tom Westfall is a board member - appointed last December. Shane Miller is the Chairman of the District's Board but could not attend. The group gave background on the district's existence in the county and discussed the needs of the county.

The Board of County Commissioners created the district in the year 2000 with flood mitigation of the Pawnee Creek area in mind. It also was created to protect the public and private property from flood water. The purpose for forming the district and it's original priority was focused in one part of the county - primarily the Flood Mitigation for Pawnee Creek. The district has a mill levy of 1 mill each year and has a fund balance of approximately \$1 million. Brad McCloud of EIS Solutions explained that the district is trying to reach out to the community to explain its purpose is re-establishing priorities and projects.

The district has purchased several properties to be used for future flood control facilities such as dams, bridges, levees and canals. The Pawnee Pass Property was purchased in 2006 with a dam project in mind. The property would contain a majority of the dam embankment. The West Logan Poperty was purchased in 2009 and is within the Pawnee Pass Dam flood storage pool. Properties near the South Platte River were purchased in 2013 and 2016 and were purchased at auction for channel improvement projects.

Much of the recent work has been in response to Pawnee Creek Flooding. Major documented historic floods have occurred in 1935, 1965 and 1997, approximately every 30 years. The 1997

flooding resulted in \$20 million in damages.

In March 2011 a public meeting was held. From suggestions made at that meeting the following actions have been taken: Obtain adequate mapping downstream of the Pawnee Pass dam site for possible channel improvements - LiDAR collected by CWCB in October 2013 was used for two channel improvement design concepts; Consider improving the channel capacity of Pawnee Creek - Two channel improvement design concepts were evaluated; Divert water to the depression at Stoneham or other areas - This was reviewed conceptually; Keep the public informed - Board meetings are open to the public. The LCWCD plans to schedule another public meeting once the next steps and path forward have been determined.

Other ideas presented at the meeting were look into the possibility of a joint-use reservoir to help with funding issues; Analyze the possibility of using a smaller flood control dam and keep the outlet gates open to let more water pass during flood events which could possibly lower the dam crest. In addition, a benefit cost analysis was suggested, a

The Pawnee Creek Flood Alternatives Analysis Report draft was completed in August 2016. The Highway 6 Bridge and Railroad cleanout project was suspended due to costs and effectiveness. Other multi-purpose flood control projects are under consideration.

The Board of Commissioners asked if the district could help with determining elevations in A districts for future growth. Landowners in those districts must hire an engineer to determine elevations before they can build on their property.

There was opposition to the proposed dam at the 2011 public meeting. Flooding century farms and displacement of property owners is a difficult task. This is not something that is a priority for the district moving forward. Federal permitting alone would take about 20 years.

The Board also requested the district's help with de-watering some of the subdivisions Country Club flooding.

The LCWCD Board meets the second Tuesday of each month. Meetings are open to the public.

DEWATERING AND PIPELINES COUNTRY CLUB HILLS - Greg Stelmach, a resident of Country Club Hills met with the Board concerning headlines in the local newspaper. Another resident in the subdivision (Scott Szabo) has taken it upon himself to lay out pipes in the county roadway to start pumping water into the Springdale Ditch. Stelmach questions whether this is surface water or ground water and what kind of permits he needs to do this. He does not have a Conditional Use Permit through the county and nothing was done through the HOA for permission to pump of water.

There are approximately 50 private wells in the area that are on augmentation programs. County regs require a Conditional Use permit in order to move water in this manner. Where the pipe is entering the canal, water was backed up 20 or 30 feet upstream with a good stream going down. Stelmach is concerned about the wells with the pumping that is taking place with no permits. The pipe is 6" - 10" off the road, there are no signs or painted pipe to make it visible. The pipe creates a public hazard.

Stelmach has done some research on ownership of the parks in the subdivision. Copies of two

letters provided by Stelmach were distributed to the Board.

Stelmach noted that the individual has had nine years to go through legal options to get something done with the water. At the last HOA meeting for the previous water issues, Stelmach spoke, there were approximately 30 people in attendance, nobody spoke up to argue with him that there was a de-watering problem. Nobody spoke on Mr. Szabo's point because the wells are on augmentation. At that meeting it was agreed that if Mr. Szabo continued to have trouble with the water, he would pump it over Ponderosa Road and in effect another county road and on private property. He has had plenty of time to submit permits to do this. Nothing was done until the water came back up this year.

Mr. Stelmach believes that there is very little transparency with the HOA. He does not believe that the HOA is a legitimate entity. There have been no elections, and the HOA is in non-compliance of its own bylaws. Stelmach was an HOA Board member for eight years but resigned. HOA Board members are appointed by existing Board members. While Stelmach was on the HOA Board, a letter from the HOA was presented to South Platte Groundwater Technical Committee. To Stelmach's knowledge Scott Szabo is the only homeowner that has had water in his basement.

There are two or three other homes in low-lying areas, one is having septic troubles, that home is right beneath the Springdale ditch. A few years ago the ditch breached with water flooding to the east. A cause could not be determined. Eight monitor boxes were placed to monitor water levels.

Stelmach also referred to a newspaper article on the Pawnee Ridge de-watering. The Pawnee Ridge article noted that the Pawnee Ridge HOA has had votes on the de-watering problem and what to do about it.

According to Stelmach, Mr. Szabo has no drainage for his home as it was built in a hole.

An agreement signed by Commissioner Lyle Schumacher and Willard Inskeep, then president of the CCH HOA, was discovered re-platted. On December 23, 1998, the Board of County Commissioners accepted gift of certain property dedicated as a park area. In the agreement it stated that Logan County does not want to expend any county resources for park upkeep or maintenance or to commit any tax money for the benefit of the property. The HOA commits to maintain the park area and holds Logan County harmless for any upkeep and maintenance of this property.

Stelmach is concerned about well water for the homeowners, being taken off his property. Mr. Stelmach did not know of any wells being affected. If Szabo pumps water, as long as it is surface water, and as long as he has proper permits Stelmach does not have a problem with it. Mr. Szabo has had time to get permits in place and has not done so.

Stelmach does not want water pumped anywhere until ownership of the parks is determined. The parks were to go back to the HOA once the pavement of the roads was paid for. Jeff Reeves was asked to hold off on the pumping of the water from the parks until the issue is resolved.

The Board suggested that the CCH HOA meet with LCWCD to determine a plan to de-water the area. A Conditional Use Permit must be issued in order for water to be moved.

Stelmach also made the following assertions: Mr. Szabo did not have permission to represent the HOA to apply for grant money; there are misconceptions that there is a big water problem affecting a lot of residents in Country Club Hills; current HOA members do not know about the past history of the area.

The Board agreed that it should not do anything until a Conditional Use Permit is approved.

LOGAN COUNTY AMBULANCE COLLECTION ASSIGNMENTS - Commissioner McBride moved to approve assignment of a debt collections account to Wakefield those account number ending in 2028 and allow the Chairman to sign. Commissioner Donaldson seconded and the motion carried 3-0.

There being no further business to come before the Board, the meeting was adjourned at 11:47 a.m.